

Service Date: January 9, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF THE COMPLAINT OF	)	
Jay Wilson,	)	UTILITY DIVISION
	)	
Complainant,	)	
	)	
-vs-	)	DOCKET NO. 87.10.60
	)	
Ms. Lori Cox, Anaconda MPC,	)	
	)	ORDER NO. 5597
Defendant.	)	

ORDER CLOSING DOCKET

BACKGROUND

On October 22, 1987 the Montana Public Service Commission (Commission) received a complaint from Jay Wilson, Anaconda, Montana alleging that Lori Cox, employee of Montana Power Company (MPC), discriminated against him as a male, low-income handicapped person. Specifically, he alleged that his former wife was allowed to pay off her \$70.05 bill over time while he was told to pay his delinquent bill of \$35.01 immediately or have his service terminated.

On November 4, 1987 the Commission received a letter from Mr. Wilson stating that he had paid his obligation to MPC, but did not want to withdraw his complaint for discrimination.

The Complaint was noticed and MPC answered timely, denying the allegations of discrimination, and affirmatively defending that Complainant had agreed to satisfy his obligation to MPC. MPC requested that the complaint be dismissed.

### FINDINGS AND DISCUSSION

The Commission finds that the complaint should be dismissed as satisfied. The allegation of discrimination in setting up a payment plan became moot when the parties agreed to the payment plan proposed by the Complainant. Other allegations based upon sex, income and handicapped status do not establish a basis for Commission jurisdiction without connecting the allegations to an unjustly discriminatory practice related to rates or service. <69-3-321, MCA.

### CONCLUSIONS OF LAW

The Commission properly exercises jurisdiction over complaints against public utilities for unreasonable and unjustly discriminatory practices related to rates and/or service.

The Commission concludes, as a matter of law, that there is no basis for jurisdiction where the rates themselves and the service are not at issue.

### ORDER

WHEREFORE, it is hereby ordered that the Complaint be dismissed with prejudice.

Done and Dated this 6th day of January, 1992 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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HOWARD L. ELLIS, Chairman

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DANNY OBERG, Vice Chairman

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BOB ANDERSON, Commissioner

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JOHN B. DRISCOLL, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.